

UNITED STATES BANKRUPTCY COURT
Central District of California – Santa Ana
411 West Fourth Street – Suite 2074, Santa Ana, California 92701-4593

TO THE CLERK:

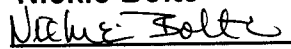
- ☒ BANKRUPTCY APPELLATE PANEL OF THE NINTH CIRCUIT
☐ U.S. DISTRICT COURT – LOS ANGELES, CA
☐ U.S. DISTRICT COURT – SANTA ANA, CA

Subject: TRANSMITTAL OF CERTIFICATE OF READINESS OF
NOTICE OF APPEAL REGARDING:
BAP CASE NO. CC-14-1334

Notice of Appeal Filed: 6/27/14
Case Name: JAMES HARRY SALAMON; and JEANNE FIXLER SALAMON
Case Number: 8:12-bk-17145-ES
Adversary Number: N/A
Appeal Docket No.: 363

DATED: 8/21/14

KATHLEEN J. CAMPBELL
Clerk of Court

By: Nickie Bolte

Deputy Clerk
U.S. Bankruptcy Court

727OBJ, APPEAL

**U.S. Bankruptcy Court
Central District Of California (Santa Ana)
Bankruptcy Petition #: 8:12-bk-17145-ES**

Assigned to: Erithe A. Smith
Chapter 11
Voluntary
Asset

Date filed: 06/08/2012
341 meeting: 08/01/2012
Deadline for objecting to discharge: 10/01/2012

Debtor

James Harry Salamon
PO Box 480762
Los Angeles, CA 90048
ORANGE-CA
SSN / ITIN: xxx-xx-5515

represented by **Michael R Totaro**
Totaro & Shanahan
POB 789
Pacific Palisades, CA 90272
310-573-0276
Fax : 310-496-1260
Email: tseefpacer@aol.com

Joint Debtor

Jeanne Fixler Salamon
PO Box 480762
Los Angeles, CA 90048
ORANGE-CA
SSN / ITIN: xxx-xx-5427

represented by **Zachary Levine**
WOLK & LEVINE, LLP
500 North Brand Blvd., Suite 625
Glendale, CA 91203
(818) 241-7499
Fax : (818) 892-2324

Michael R Totaro
(See above for address)

U.S. Trustee

United States Trustee (SA)
411 W Fourth St., Suite 9041
Santa Ana, CA 92701-4593

represented by **Frank Cadigan**
411 W 4th St Ste 9041
Santa Ana, CA 92701
714-338-3405
Fax : 714-338-3421
Email: frank.cadigan@usdoj.gov
TERMINATED: 06/22/2012

Nancy S Goldenberg
411 W Fourth St Ste 9041
Santa Ana, CA 92701-8000
714-338-3416
Fax : 714-338-3421
Email: nancy.goldenberg@usdoj.gov


Filing Date	#	Docket Text

06/20/2014	<u>358</u>	ORDER Granting Debtor's Motion for an Order Disallowing Claim No. 32 Filed by Peter J. Mastan Chapter 7 Trustee for Bankruptcy Estate David J. Behrend. (BNC-PDF) Signed on 6/20/2014. (Steinberg, Elizabeth) (Entered: 06/20/2014)
06/20/2014	<u>360</u>	Order re motion in individual Chapter 11 case for Order employing Zachary Levine (Wolk & Levine, LLP) as Special Counsel for State Court Litigation for Joint Debtor-in-Possession Jeanne Fixler Salamon (BNC-PDF) (Related Doc # <u>319</u>) Signed on 6/20/2014. (Reid, Rick) (Entered: 06/23/2014)
06/22/2014	<u>359</u>	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>358</u> ORDER disallowing claim(s) (BNC-PDF)) No. of Notices: 2. Notice Date 06/22/2014. (Admin.) (Entered: 06/22/2014)
06/24/2014	<u>361</u>	Judge's instruction for entering discharge in chapter 11 cases - Please Enter and Cause to be Served on all Creditors and Parties in Interest an Order of Discharge: On completion of all payments under the Plan (Related Document # <u>347</u> Order Confirming Plan) (Reid, Rick) (Entered: 06/25/2014)
06/25/2014	<u>362</u>	BNC Certificate of Notice - PDF Document. (RE: related document(s) <u>360</u> Order on Application to Employ (BNC-PDF)) No. of Notices: 2. Notice Date 06/25/2014. (Admin.) (Entered: 06/25/2014)
06/27/2014	<u>363</u>	Notice of Appeal BAP Court. <i>Notice of Appeal of Order Granting Debtors' Motion for Order Disallowing Claim No. 32 Filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend, With Proof of Service.</i> Fee Amount \$298 Filed by Interested Party Peter J Mastan (RE: related document(s) <u>358</u> ORDER disallowing claim(s) (BNC-PDF)). Appellant Designation due by 07/11/2014. (de Leest, Aaron) (Entered: 06/27/2014)
06/30/2014	<u>364</u>	Notice Of Referral Of Appeal To United States Bankruptcy Appellate Panel Of The Ninth Circuit (BAP) with certificate of mailing (RE: related document(s) <u>363</u> Notice of Appeal filed by Interested Party Peter J Mastan) (Bolte, Nickie) (Entered: 06/30/2014)
07/01/2014	<u>365</u>	Request for courtesy Notice of Electronic Filing (NEF) Filed by Tedford, John. (Tedford, John) (Entered: 07/01/2014)
07/07/2014	<u>366</u>	Request for courtesy Notice of Electronic Filing (NEF) Filed by Campbell, Greg. (Campbell, Greg) (Entered: 07/07/2014)

07/08/2014	<u>367</u>	Transcript Order Form, regarding Hearing Date 06/10/14 Filed by Interested Party Peter J Mastan (RE: related document(s) <u>333</u> Motion to Disallow Claims No. 32 Filed BY Peter J. Mastan Chapter 7 Trustee for the Bankruptcy Estate of David J. Behrend w/proof of service). (de Leest, Aaron) (Entered: 07/08/2014)
07/10/2014	<u>368</u>	Transcript Record Transmittal (Court transcript records have been uploaded to FDS). For Order Number: 14-ES-26. RE Hearing Date: 06/10/14, [TRANSCRIPTION SERVICE PROVIDER: Echo Reporting, Telephone number (310) 410-4151.] (RE: related document(s) <u>367</u> Transcript Order Form filed by Interested Party Peter J Mastan) (Peres, Carlos) (Entered: 07/10/2014)
07/11/2014	<u>369</u>	Statement of Issues on Appeal for Appellant Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend; proof of service Filed by Interested Party Peter J Mastan (RE: related document(s) <u>363</u> Notice of Appeal). (de Leest, Aaron) (Entered: 07/11/2014)
07/11/2014	<u>370</u>	Appellant Designation of Contents For Inclusion in Record On Appeal -Designation of the Record on Appeal for Appellant Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend; proof of service Filed by Interested Party Peter J Mastan (RE: related document(s) <u>363</u> Notice of Appeal, <u>369</u> Statement of Issues on Appeal). Appellee designation due by 07/25/2014. Transmission of Designation Due by 08/11/2014. (de Leest, Aaron) (Entered: 07/11/2014)
07/11/2014	<u>371</u>	Notice of transcripts; hearing date: June 10, 2014 at 10:30 a.m. ; proof of service Filed by Interested Party Peter J Mastan (RE: related document(s) <u>363</u> Notice of Appeal). (de Leest, Aaron) Modified on 8/20/2014 (Bolte, Nickie). (Entered: 07/11/2014)
07/22/2014	<u>372</u>	Transcript regarding Hearing Held 06/10/14 RE: Debtor's motion for order disallowing claim. Remote electronic access to the transcript is restricted until 10/20/2014. The transcript may be viewed at the Bankruptcy Court Clerk's Office on a public terminal or purchased through the Transcription Service Provider before the transcript access restriction has ended. [TRANSCRIPTION SERVICE PROVIDER: Echo Reporting, Inc., Telephone number (858) 453-7590; echoreporting@yahoo.com.]. Notice of Intent to Request Redaction Deadline Due By 7/29/2014. Redaction Request Due By 08/12/2014. Redacted Transcript Submission Due By 08/22/2014. Transcript access will be restricted through 10/20/2014. (Bauer, Tara) (Entered: 07/22/2014)

07/22/2014	<u>373</u>	Notice RE: Opening Letter - Notice of acknowledgement from United States Bankruptcy Appellate Panel of the Ninth Circuit of Notice of Appeal and Assignment of BAP Case No. CC-14-1334 (filed at United States Bankruptcy Appellate Panel of the Ninth Circuit on 7/9/14) (RE: related document(s) <u>363</u> Notice of Appeal BAP Court. <i>Notice of Appeal of Order Granting Debtors' Motion for Order Disallowing Claim No. 32 Filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend, With Proof of Service.</i> Fee Amount \$298 Filed by Interested Party Peter J Mastan (RE: related document (s) <u>358</u> ORDER disallowing claim(s) (BNC-PDF)). Appellant Designation due by 07/11/2014. (de Leest, Aaron)). (Bolte, Nickie) (Entered: 07/22/2014)
07/22/2014	<u>374</u>	Notice RE: The Bankruptcy Appellate Panel has received and docketed the notice of appeal (RE: BAP Case No. CC-14-1334) - (filed at United States Bankruptcy Appellate Panel of the Ninth Circuit on 7/9/14) (RE: related document(s) <u>363</u> Notice of Appeal BAP Court. <i>Notice of Appeal of Order Granting Debtors' Motion for Order Disallowing Claim No. 32 Filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend, With Proof of Service.</i> Fee Amount \$298 Filed by Interested Party Peter J Mastan (RE: related document (s) <u>358</u> ORDER disallowing claim(s) (BNC-PDF)). Appellant Designation due by 07/11/2014. (de Leest, Aaron)). (Bolte, Nickie) (Entered: 07/22/2014)
07/22/2014	<u>375</u>	Notice Notice Of Availability of Appellate Mediation Program ((RE: BAP Case No. CC-14-1334) - (filed at United States Bankruptcy Appellate Panel of the Ninth Circuit on 7/9/14) (RE: related document(s) <u>363</u> Notice of Appeal BAP Court. <i>Notice of Appeal of Order Granting Debtors' Motion for Order Disallowing Claim No. 32 Filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend, With Proof of Service.</i> Fee Amount \$298 Filed by Interested Party Peter J Mastan (RE: related document(s) <u>358</u> ORDER disallowing claim(s) (BNC-PDF)). Appellant Designation due by 07/11/2014. (de Leest, Aaron)). (Bolte, Nickie) (Entered: 07/22/2014)
07/25/2014	<u>376</u>	Appellee Designation of Contents for Inclusion in Record of Appeal w/ <i>proof of service</i> Filed by Debtor James Harry Salamon, Joint Debtor Jeanne Fixler Salamon (RE: related document(s) <u>363</u> Notice of Appeal, <u>369</u> Statement of Issues on Appeal). (Totaro, Michael) (Entered: 07/25/2014)
	<u>377</u>	Motion for Final Decree , <i>Discharge and Closure w proof of service</i> Filed by Debtor James Harry Salamon, Joint Debtor Jeanne Fixler Salamon (Totaro, Michael) Warning: Item

07/29/2014		subsequently amended by docket entry no: 379 Modified on 7/30/2014 (Reid, Rick). (Entered: 07/29/2014)
07/29/2014	● <u>378</u>	Motion for Final Decree , <i>Discharge, Closure CORRECTED MOTION w proof of service</i> Filed by Debtor James Harry Salamon, Joint Debtor Jeanne Fixler Salamon (Totaro, Michael) Warning: Item subsequently amended by docket entry no: 379 Modified on 7/30/2014 (Reid, Rick). (Entered: 07/29/2014)
07/30/2014	● <u>379</u>	Notice to Filer of Error and/or Deficient Document Incorrect PDF was attached to the docket entry. The notice of motions filed with both the original and "corrected" motion have a letterhead inconsistent with the motion itself. THE FILER IS INSTRUCTED TO RE-FILE THE DOCUMENT WITH THE CORRECT PDF IMMEDIATELY. (RE: related document(s) <u>377</u> Final Decree filed by Debtor James Harry Salamon, Joint Debtor Jeanne Fixler Salamon, <u>378</u> Final Decree filed by Debtor James Harry Salamon, Joint Debtor Jeanne Fixler Salamon) (Reid, Rick) PER TELEPHONE CONVERSATION W/ M TOTARO, FILER SHALL WITHDRAW BOTH MOTIONS TO DISMISS AND RE-FILE AND RE-NOTICE FOR NEW HEARING DATE. THERE WILL BE NO HEARING SET ON 8-21-14 AT 10:30AM. Modified on 8/11/2014 (Reid, Rick). (Entered: 07/30/2014)
07/31/2014	● <u>380</u>	Notice of Change of Address <i>and Firm of Benjamin Ramm</i> Filed by Creditor Juana Castillo. (Ramm, Benjamin) (Entered: 07/31/2014)
07/31/2014	● <u>381</u>	Opposition to (related document(s): <u>378</u> Motion for Final Decree , <i>Discharge, Closure CORRECTED MOTION w proof of service</i> filed by Debtor James Harry Salamon, Joint Debtor Jeanne Fixler Salamon) Filed by Creditor Juana Castillo (Attachments: # <u>1</u> Affidavit Declaration of Benjamin Ramm in opposition to motion to close Chapter 11 case) (Ramm, Benjamin) (Entered: 07/31/2014)
08/07/2014	● <u>382</u>	Opposition to (related document(s): <u>378</u> Motion for Final Decree , <i>Discharge, Closure CORRECTED MOTION w proof of service</i> filed by Debtor James Harry Salamon, Joint Debtor Jeanne Fixler Salamon) - <i>Opposition to Debtors' Motion for Entry of a Final Decree, Discharge pursuant to 11 U.S.C. Section 1141(d)(5)(A), and for Entry of an Order Closing Case; proof of service</i> Filed by Interested Party Peter J Mastan (de Leest, Aaron) (Entered: 08/07/2014)
	● <u>383</u>	Voluntary Dismissal of Motion <i>filed as Docket Nos. 377 and 378 w/proof of service</i> Filed by Debtor James Harry Salamon,

08/12/2014		Joint Debtor Jeanne Fixler Salamon (RE: related document(s) <u>377</u> Motion for Final Decree , <i>Discharge and Closure w proof of service</i> , <u>378</u> Motion for Final Decree , <i>Discharge, Closure CORRECTED MOTION w proof of service</i>). (Totaro, Michael) (Entered: 08/12/2014)
08/21/2014	 <u>384</u>	Certificate Of Readiness Of Record On Appeal To United States Bankruptcy Appellate Panel Of The Ninth Circuit RE: BAP Case Number: CC-14-1334 (RE: related document(s) <u>363</u> Notice of Appeal filed by Interested Party Peter J Mastan) (Bolte, Nickie) (Entered: 08/21/2014)


Issues and Designation of Record have been filed. The status of the transcripts is as follows:

- ☒ **All transcript(s) requested by either the Appellant or Appellee have been filed with this Court.**
- ☐ **No Transcripts were requested by either the Appellant or Appellee.**

I hereby certify that a copy of this certificate was mailed to the above listed attorneys on this date.

DATED: 8/21/14

KATHLEEN J. CAMPBELL
Clerk of Court

By: Nickie Bolte

Deputy Clerk

411 West Fourth St., Ste. #2074, Santa Ana, California 92701-4593

APPEAL SERVICE LIST

Check one: ☐ Notice of Referral ☒ Certificate of Readiness

Case No. 8:12-bk-17145-ES

Adversary No. N/A

* Check appropriate box(es) below:

☒ **BANKRUPTCY APPELLATE PANEL**
of the Ninth Circuit
125 South Grand Avenue
Pasadena, CA 91105-1510

☐ **U.S. DISTRICT COURT**
U.S. Courthouse, Room G-8
312 N. Spring St.
Los Angeles, CA 90012-4701

☐ **U.S. DISTRICT COURT**
411 West Fourth St., Ste #1053
Santa Ana, CA 92701-4516

☐ **Peter Anderson**
U.S. Department of Justice
OFFICE OF THE U.S. TRUSTEE
Ernst & Young Plaza
725 S. Figueroa Street, 26th Floor
Los Angeles, CA 90017

☒ **Frank Cadigan**
OFFICE OF THE U.S. TRUSTEE
411 West Fourth St., Ste #9041
Santa Ana, CA 92701-4593

* Indicate below names and addresses of additional parties in interest:

Aaron E. de Leest
John N. Tedford IV
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1900 Avenue of the Stars, 11th Floor
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Michael R. Totaro
Totaro & Shanahan
P.O. Box 789
Pacific Palisades, CA 90272

James Harry Salamon
Jeanne Fixler Salamon
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Los Angeles, CA 90048

1 JOHN N. TEDFORD IV (State Bar No. 205537)

jtedford@dgdk.com

2 AARON E. DE LEEST (State Bar No. 216832)

adeleest@dgdk.com

3 DANNING, GILL, DIAMOND & KOLLITZ, LLP

1900 Avenue of the Stars, 11th Floor

4 Los Angeles, California 90067-4402

Telephone: (310) 277-0077

5 Facsimile: (310) 277-5735

6 Attorneys for Peter J. Mastan, Chapter 7 Trustee
for Bankruptcy Estate of David J. Behrend

8 **UNITED STATES BANKRUPTCY COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **SANTA ANA DIVISION**

11 In re

Case No. 8:12-bk-17145-ES

12 JAMES H. SALAMON AND JEANNE F.
SALAMON,

Chapter 11

13 Debtors.

**STATEMENT OF ISSUES ON APPEAL
FOR APPELLANT PETER J. MASTAN,
CHAPTER 7 TRUSTEE FOR
BANKRUPTCY ESTATE OF DAVID J.
BEHREND**

Fed. R. Bankr. P. 8006

18 **TO THE COURT, ALL INTERESTED PARTIES, AND THEIR ATTORNEYS OF**
19 **RECORD:**

20 Appellant Peter J. Mastan, Chapter 7 Trustee For Bankruptcy Estate of David J. Behrend
21 (the "Trustee"), hereby submits his Statement of Issues on Appeal in connection with his appeal
22 from the *Order Granting Debtors' Motion for Order Disallowing Claim No. 32 filed by Peter J.*
23 *Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend*, entered on June 20, 2014
24 (the "Order") as follows:

1 1. Whether the Bankruptcy Court erred when it sustained the Debtors' objection to the
2 Trustee's claim.

3 2. Whether the Bankruptcy Court erred when it held that the Trustee no longer held a
4 claim secured by a lien on property of the estate for purposes of 11 U.S.C. § 1111(b).

5 3. Whether a postpetition, pre-confirmation foreclosure sale of estate property strips a
6 secured creditor of its rights under 11 U.S.C. § 1111(b).

7 4. Whether the "sale exception" to 11 U.S.C. § 1111(b) applies to a postpetition, pre-
8 confirmation foreclosure sale of estate property.

9 5. Where a secured creditor's claim is deemed to be recourse under 11 U.S.C. §
10 1111(b), whether the allowance of such claim must be determined as of the date of the filing of the
11 petition.

12
13 DATED: July 11, 2014

DANNING, GILL, DIAMOND & KOLLITZ, LLP

14
15 By: 

16 AARON E. DE LEEST

17 Attorneys for Peter J. Mastan, Chapter 7 Trustee
18 for Bankruptcy Estate of David J. Behrend
19
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1900 Avenue of the Stars, 11th Floor, Los Angeles, CA 90067-4402.

A true and correct copy of the foregoing document entitled (*specify*): **STATEMENT OF ISSUES ON APPEAL FOR APPELLANT PETER J. MASTAN, CHAPTER 7 TRUSTEE FOR BANKRUPTCY ESTATE OF DAVID J. BEHREND** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 11, 2014 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL: On July 11, 2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

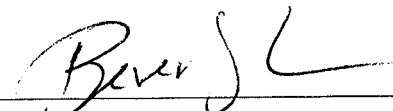
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 11, 2014

Date

Beverly Lew

Printed Name


Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Atty. for Independence Bank Steven L. Bergh sbergh@pnbd.com
Greg P Campbell ecfcacb@piteduncan.com, gc@ecf.inforuptcy.com
Atty. for Zachary Levine Michael D Franco francolawfirm@hotmail.com
Atty. for U. S. Trustee Nancy S Goldenberg nancy.goldenberg@usdoj.gov
Atty. for American Express Centurion Bank Robert S Lampl advocate45@aol.com
Atty. for Fair Housing Council of San Fernando Valley, Amparo Orellano, Maria Del Carmen Frayre, Roberto Ramirez, Victor Cardona, and Vladamir Cardona Mark J Markus bklawr@bklaw.com, markjmarkus@gmail.com
Int'd party Kathy Bazoian Phelps kphelps@diamondmccarthy.com, mshabpareh@diamondmccarthy.com
Atty. for Frank McHugh Martin W. Phillips marty.phillips@att.net
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Atty. for City National Bank Jaime K Shean efilings@amlegalgroup.com
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Atty. for American West Bank Brad T Summers tsummers@balljanik.com, akimmel@balljanik.com
Atty. for Peter J. Mastan John N Tedford jtedford@dgdgk.com, DanningGill@gmail.com; jtedford@ecf.inforuptcy.com
Atty. for JPMorgan Chase Bank Douglas G Tennant dtennant@frankel-tennant.com
Int'd party Eric J Testan etestan@frankel-tennant.com
Int'd party Michael D Testan mtestan@frankel-tennant.com
Atty. for Debtors Michael R Totaro tsecpacer@aol.com, G3899@notify.cincompass.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
Atty. for eCast Settlement Corporation Jaime L Watkins ecf@bass-associates.com
Atty. for CapitalSource Bank Michael M Wintringer mike@sgsslaw.com
Atty. for Peter J. Mastan Aaron E de Leest aed@dgdgk.com, DanningGill@gmail.com; adeleest@ecf.inforuptcy.com

2. SERVED BY U. S. MAIL

Debtors

James Salamon
Jeanne Salamon
P. O. Box 480762
Los Angeles, CA 90048

Zachary Levine on behalf of Joint Debtor
Jeanne Fixler Salamon
WOLK & LEVINE, LLP
500 North Brand Blvd., Suite 625
Glendale, CA 91203

Presiding Judge

The Honorable Erithe A. Smith
U.S. Bankruptcy Court
Ronald Reagan Federal Building
411 W. Fourth Street, Suite 5040
Santa Ana, CA 92701-4593

1 JOHN N. TEDFORD IV (State Bar No. 205537)
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2 AARON E. DE LEEST (State Bar No. 216832)
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3 DANNING, GILL, DIAMOND & KOLLITZ, LLP
1900 Avenue of the Stars, 11th Floor
4 Los Angeles, California 90067-4402
Telephone: (310) 277-0077
5 Facsimile: (310) 277-5735

6 Attorneys for Peter J. Mastan, Chapter 7 Trustee
for Bankruptcy Estate of David J. Behrend
7

8 **UNITED STATES BANKRUPTCY COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **SANTA ANA DIVISION**

11 In re

Case No. 8:12-bk-17145-ES

12 JAMES H. SALAMON AND
JEANNE F. SALAMON,

Chapter 11

13 Debtors.
14
15
16

**DESIGNATION OF THE RECORD ON
APPEAL FOR APPELLANT PETER J.
MASTAN, CHAPTER 7 TRUSTEE FOR
BANKRUPTCY ESTATE OF DAVID J.
BEHREND**

Fed. R. Bankr. P. 8006

17
18 **TO THE COURT, ALL INTERESTED PARTIES, AND THEIR ATTORNEYS OF**
19 **RECORD:**

Entry Date	Docket no.	Description
4/28/2014	333	Debtors' Motion for Order Disallowing Claim No. 32 filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend; Memorandum of Points and Authorities; Declaration of Michael R. Totaro
4/28/2014	334	Exhibits in Support of Debtors' Motion for Order Disallowing Claim No. 32 filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend

4/28/2014	335	Notice of Motion for: Debtors' Motion for Order Disallowing Claim No. 32 filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend
4/28/2014	336	Notice of Objection to Claim
4/30/2014	339	Objection to Claim - Notice of Continuance
5/27/2014	349	Opposition to Debtors' Motion for Order Disallowing Claim No. 32 filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend; Memorandum of Points and Authorities, Declarations of Aaron E. de Leest and John N. Tedford, IV, and Request for Judicial Notice in Support Thereof
6/03/2014	354	Debtors' Reply to Response by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend; Declaration of Michael R. Totaro
6/10/2014		Transcript for Hearing on June 10, 2014, at 10:30 a.m.
6/20/2014	358	Order Granting Debtors' Motion for an Order Disallowing Claim No. 32 filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend
6/27/2014	363	Notice of Appeal of Order Granting Debtors' Motion for Order Disallowing Claim No. 32 filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate of David J. Behrend

DATED: July 11, 2014

DANNING, GILL, DIAMOND & KOLLITZ, LLP

By:

AARON E. DE LEEST

Attorneys for Peter J. Mastan, Chapter 7 Trustee
for Bankruptcy Estate of David J. Behrend

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1900 Avenue of the Stars, 11th Floor, Los Angeles, CA 90067-4402.

A true and correct copy of the foregoing document entitled (*specify*): DESIGNATION OF THE RECORD ON APPEAL FOR APPELLANT PETER J. MASTAN, CHAPTER 7 TRUSTEE FOR BANKRUPTCY ESTATE OF DAVID J. BEHREND will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 11, 2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

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☒ Service information continued on attached page.

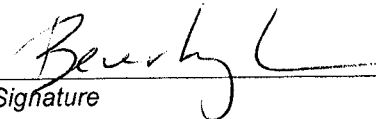
3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 11, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 11, 2014
Date

Beverly Lew
Printed Name


Signature

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Atty. for Independence Bank Steven L. Bergh sbergh@pnbd.com
Greg P Campbell ecfcacb@piteduncan.com, gc@ecf.inforuptcy.com
Atty. for Zachary Levine Michael D Franco francolawfirm@hotmail.com
Atty. for U. S. Trustee Nancy S Goldenberg nancy.goldenberg@usdoj.gov
Atty. for American Express Centurion Bank Robert S Lampl advocate45@aol.com
Atty. for Fair Housing Council of San Fernando Valley, Amparo Orellano, Maria Del Carmen Frayre, Roberto Ramirez, Victor Cardona, and Vladamir Cardona Mark J Markus bklawr@bklaw.com, markjmarkus@gmail.com
Int'd party Kathy Bazoian Phelps kphelps@diamondmccarthy.com, mshabpareh@diamondmccarthy.com
Atty. for Frank McHugh Martin W. Phillips marty.phillips@att.net
Atty. for Juana Castillo Benjamin G Ramm bgr.basta@gmail.com
Atty. for Maya Cohen Kahaner Charles Shamash cs@locs.com, generalbox@locs.com
Atty. for City National Bank Jaime K Shean efilings@amlegalgroup.com
Atty. for East West Bank Nathan F Smith nathan@mclaw.org, epowers@mclaw.org
Atty. for American West Bank Brad T Summers tsummers@balljanik.com, akimmel@balljanik.com
Atty. for Peter J. Mastan John N Tedford jtedford@dgdk.com, DanningGill@gmail.com; jtedford@ecf.inforuptcy.com
Atty. for JPMorgan Chase Bank Douglas G Tennant dtennant@frankel-tennant.com
Int'd party Eric J Testan etestan@frankel-tennant.com
Int'd party Michael D Testan mtestan@frankel-tennant.com
Atty. for Debtors Michael R Totaro tsecpacer@aol.com, G3899@notify.cincompass.com
United States Trustee (SA) ustregion16.sa.ecf@usdoj.gov
Atty. for eCast Settlement Corporation Jaime L Watkins ecf@bass-associates.com
Atty. for CapitalSource Bank Michael M Wintringer mike@sgsslaw.com
Atty. for Peter J. Mastan Aaron E de Leest aed@dgdk.com, DanningGill@gmail.com; adeleest@ecf.inforuptcy.com

2. SERVED BY U. S. MAIL

Debtors

James Salamon
Jeanne Salamon
P. O. Box 480762
Los Angeles, CA 90048

Zachary Levine on behalf of Joint Debtor
Jeanne Fixler Salamon
WOLK & LEVINE, LLP
500 North Brand Blvd., Suite 625
Glendale, CA 91203

Presiding Judge

The Honorable Erithe A. Smith
U.S. Bankruptcy Court
Ronald Reagan Federal Building
411 W. Fourth Street, Suite 5040
Santa Ana, CA 92701-4593

Attorney or Party Name, Address and Telephone Number: Aaron E. de Leest (SBN 216832) adeleest@dgd.com Danning, Gill, Diamond & Kollitz, LLP 1900 Avenue of the Stars, 11th Floor Los Angeles, California 90067 T (310) 277-0077, F (310) 277-5735 Attorney for: Peter J. Mastan, Cpt. 7 Trustee	FOR COURT USE ONLY
--	--------------------

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re: JAMES HARRY SALAMON AND JEANNE FIXLER SALAMON, Debtor(s).	CASE NO.: 8:12-17145-ES CHAPTER: 11 NOTICE OF TRANSCRIPT(S) DATE NOTICE OF APPEAL FILED: 6/27/14
---	---

TO: CLERK, U. S. BANKRUPTCY COURT AND OTHER PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN that the following action has been taken:

- ☐ I do not intend to designate any portion of the transcript(s) and will notify all counsel of this intention.
- ☒ As retained counsel (or litigant proceeding in pro per), I have requested a copy of the below-referenced transcript(s) and guarantee payment of the cost thereof upon demand. I further agree to pay for work done prior to cancellation of the order.


DATE TRANSCRIPT(S) ORDERED

July 8, 2014

FOR HEARING DATE(S)

June 10, 2014 @ 10:30 a.m.

DATED: 7/11/14


Signature

SPECIAL INSTRUCTIONS

THIS IS NOT AN ORDER FOR A TRANSCRIPT. To order a transcript, please use the Court approved TRANSCRIPT ORDER FORM.

The original and 2 copies of this Notice, accompanied by a Proof of Service on opposing counsel, are to be filed with the U. S. Bankruptcy Court within 14 days of the filing of the Notice of Appeal.

NOTICE OF TRANSCRIPT(S) (Bankruptcy)

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1900 Avenue of the Stars, 11th Floor, Los Angeles, CA 90067-4402.

A true and correct copy of the foregoing document entitled (*specify*): NOTICE OF TRANSCRIPT will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 11, 2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

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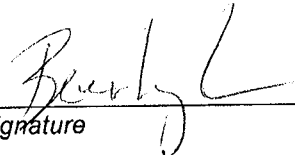
3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 11, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 11, 2014
Date

Beverly Lew
Printed Name


Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Atty. for Independence Bank Steven L. Bergh sbergh@pnbd.com
Greg P Campbell ecfcacb@piteduncan.com, gc@ecf.inforuptcy.com
Atty. for Zachary Levine Michael D Franco francolawfirm@hotmail.com
Atty. for U. S. Trustee Nancy S Goldenberg nancy.goldenberg@usdoj.gov
Atty. for American Express Centurion Bank Robert S Lampl advocate45@aol.com
Atty. for Fair Housing Council of San Fernando Valley, Amparo Orellano, Maria Del Carmen Frayre,
Roberto Ramirez, Victor Cardona, and Vladamir Cardona Mark J Markus bklawr@bklaw.com,
markjmarkus@gmail.com
Int'd party Kathy Bazoian Phelps kphelps@diamondmccarthy.com,
mshabpareh@diamondmccarthy.com
Atty. for Frank McHugh Martin W. Phillips marty.phillips@att.net
Atty. for Juana Castillo Benjamin G Ramm bgr.basta@gmail.com
Atty. for Maya Cohen Kahaner Charles Shamash cs@locs.com, generalbox@locs.com
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Atty. for East West Bank Nathan F Smith nathan@mclaw.org, epowers@mclaw.org
Atty. for American West Bank Brad T Summers tsummers@balljanik.com, akimmel@balljanik.com
Atty. for Peter J. Mastan John N Tedford jtedford@dgdk.com, DanningGill@gmail.com;
jtedford@ecf.inforuptcy.com
Atty. for JPMorgan Chase Bank Douglas G Tennant dtennant@frankel-tennant.com
Int'd party Eric J Testan etestan@frankel-tennant.com
Int'd party Michael D Testan mtestan@frankel-tennant.com
Atty. for Debtors Michael R Totaro tsecpacer@aol.com, G3899@notify.cincompass.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
Atty. for eCast Settlement Corporation Jaime L Watkins ecf@bass-associates.com
Atty. for CapitalSource Bank Michael M Wintringer mike@sgsslaw.com
Atty. for Peter J. Mastan Aaron E de Leest aed@dgdk.com, DanningGill@gmail.com;
adeleest@ecf.inforuptcy.com

2. SERVED BY U. S. MAIL

Debtors

James Salamon
Jeanne Salamon
P. O. Box 480762
Los Angeles, CA 90048

Zachary Levine on behalf of Joint Debtor

Jeanne Fixler Salamon
WOLK & LEVINE, LLP
500 North Brand Blvd., Suite 625
Glendale, CA 91203

Presiding Judge

The Honorable Erithe A. Smith
U.S. Bankruptcy Court
Ronald Reagan Federal Building
411 W. Fourth Street, Suite 5040
Santa Ana, CA 92701-4593

1 **Michael R. Totaro 102229**
2 **Totaro & Shanahan**
3 **P.O. Box 789**
4 **Pacific Palisades, CA 90272**
5 **310 573 0276 (v)**
6 **310 496 1260 (f)**

7 **Attorneys for Debtors/Appellees**

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

10 **In re:**

11 **James Harry Salamon**
12 **Jeanne Fixler Salamon,**
13 **Debtors/Appellee.**

Case No. 8:12-bk-17145-ES

Chapter 11

**APPELLEE'S DESIGNATION OF RECORD
ON APPEAL**

F.R.B.P. 8006

15 Pursuant to Federal Rules of Bankruptcy Procedure Rule 8006, Debtors and
16 Appellees herein, designate the following additional documents for inclusion in the
17 record on appeal:
18

Filed Date	Docket No.	Document Description
6/8/2014	1	Voluntary Petition
6/10/2014		Tentative Ruling Re: Debtors' Motion for Order Disallowing Claim No. 32 filed by Peter J. Mastan, Chapter 7 Trustee for Bankruptcy Estate og David J. Behrend

25 Dated: July 24, 2014

Totaro & Shanahan

27 By /s/ Michael R. Totaro

Michael R. Totaro

Attorneys for Debtors/Appellees

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: P.O. Box 789, Pacific Palisades, CA 90272

A true and correct copy of the foregoing document entitled (*specify*): "APPELLEES' DESIGNATION OF THE RECORD" will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 7/25/2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 7/25/2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Hon. Erithe Smith, United States Bankruptcy Judge, 411 W. Fourth St., Ctrm 5A, Santa Ana, CA 92701

James and Jeanne Salamon, P.O. Box Box 480762, Los Angeles, CA 90048

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

(state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

7/25/2014

Michael R. Totaro

/s/ Michael R. Totaro

Date

Printed Name

Signature

nef Service List:

- Steven L. Bergh sbergh@pnbd.com
- Aaron De Leest aed@dgdk.com, DanningGill@gmail.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Robert S Lampl advocate45@aol.com
- Ann G Lee alee@grahamvaagelaw.com
- Mark J Markus bklawr@bklaw.com, markjmarkus@gmail.com
- Kathy Bazoian Phelps kphelps@dgdk.com, DanningGill@gmail.com
- Martin W. Phillips marty.phillips@att.net
- Benjamin G Ramm , bgr.basta@gmail.com
- Benjamin G Ramm BRamm@wrightmcgurk.com, bgr.basta@gmail.com
- Charles Shamash cs@locs.com, generalbox@locs.com
- Dhruv M Sharma ecfcacb@piteduncan.com
- Jaime K Shean efilings@amlegalgroup.com
- Nathan F Smith nathan@mclaw.org
- Brad T Summers tsummers@balljanik.com, akimmel@balljanik.com
- Douglas G Tennant dtennant@frankel-tennant.com
- Eric J Testan etestan@frankel-tennant.com
- Michael D Testan mtestan@frankel-tennant.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- Katherine S Walker bnc@amslca.com, vaguirre@amslca.com
- Michael M Wintringer mike@sgsslaw.com